

**SUMMARY REPORT OF INVESTIGATION****I. EXECUTIVE SUMMARY**

Date of Incident:	24 March 2018
Time of Incident:	10:39 AM
Location of Incident:	[REDACTED]
Date of COPA Notification:	March 26, 2018
Time of COPA Notification:	12:46 PM

On March 24, 2018, complainant [REDACTED] was driving her personal vehicle as a rideshare for Sure-Way when she ran a red light at the intersection of [REDACTED] and [REDACTED]. She was pulled over by Officer [REDACTED]. Upon approaching the vehicle, Officer [REDACTED] believed that he smelled a strong odor of burnt cannabis in the car. Officer [REDACTED] ordered [REDACTED] and all of the vehicle's occupants out of the car. [REDACTED] and [REDACTED] were all searched and asked to provide identification to the officers. All of the vehicle occupants' names were searched in the police database. Additional squad cars arrived at the scene and the interior of the vehicle was searched. No contraband was recovered and no tickets were issued.

On March 26, 2018, [REDACTED] contacted the Civilian Office of Police Accountability and alleged that she was stopped, and her vehicle was searched without consent or justification, and that her passengers were searched without justification.

**II. INVOLVED PARTIES**

Involved Officer #1:	Star #: [REDACTED] 2003: PO Unit #: [REDACTED] Male, Caucasian	Employee ID: [REDACTED] DOB: [REDACTED]-1975	DOA: [REDACTED]
Involved Officer #2:	Star#: [REDACTED] PO Unit #: [REDACTED]	Employee ID: [REDACTED] DOB: [REDACTED]-1975	DOA: [REDACTED]
Involved Officer #3:	Male, Caucasian		
Involved Officer #4:	Unidentified Male Officer 1		
Involved Individual #1:	Unidentified Male Officer 2		
Involved Individual #2:	[REDACTED] DOB: [REDACTED] 1983 Female, Black		
	[REDACTED] DOB: [REDACTED] 1986 Male, Black		

Involved Individual #3 [REDACTED] DOB: [REDACTED] 1994 Female, Black

Involved Individual #4 [REDACTED] DOB: [REDACTED] 1995 Male, Black

### III. ALLEGATIONS

Officer	Allegation	Findings/ Recommendation
Officer [REDACTED]	<p>On March 24, 2018, at approximately 1050 hours:</p> <p>1. Officer [REDACTED] stopped the car being driven by [REDACTED] without cause in violation of rules 1 and 6;</p> <p>2. Officer [REDACTED] searched [REDACTED] person without justification in violation of rules 1 and 6;</p> <p>3. Officer [REDACTED] searched [REDACTED] person without justification in violation of rules 1 and 6;</p> <p>4. Officer [REDACTED] searched [REDACTED] person without justification in violation of rules 1 and 6;</p> <p>5. Officer [REDACTED] failed to properly complete an investigatory stop report for [REDACTED] in violation of rule 6;</p> <p>6. Officer [REDACTED] failed to properly complete an investigatory stop report for [REDACTED] in violation of rule 6;</p> <p>7. Officer [REDACTED] failed to properly complete an investigatory stop report for [REDACTED] in violation of rule 6;</p> <p>8. Officer [REDACTED] failed to properly complete an investigatory stop report for [REDACTED] in violation of rule 6.</p>	EXONERATED  NOT SUSTAINED  NOT SUSTAINED  UNFOUNDED  NOT SUSTAINED  NOT SUSTAINED  NOT SUSTAINED  NOT SUSTAINED

Officer [REDACTED]

On March 24, 2018, at approximately 1050 hours:

1. Officer [REDACTED] stopped the car being driven by [REDACTED] without cause in violation of rules 1 and 6; EXONERATED
2. Officer [REDACTED] threatened to ticket [REDACTED] if [REDACTED] did not provide his identification in violation of rules 2 and 6; SUSTAINED/Violation Noted
3. Officer [REDACTED] threatened to take [REDACTED] license if [REDACTED] would not provide his identification in violation of rules 2 and 6; SUSTAINED/Violation Noted
4. Officer [REDACTED] searched [REDACTED] person without justification in violation of rules 1 and 6; NOT SUSTAINED
5. Officer [REDACTED] searched [REDACTED] person without justification in violation of rules 1 and 6; UNFOUNDED
6. Officer [REDACTED] searched [REDACTED] person without justification in violation of rules 1 and 6; NOT SUSTAINED
7. Officer [REDACTED] failed to properly complete an investigatory stop report for [REDACTED] in violation of rule 6; NOT SUSTAINED
8. Officer [REDACTED] failed to properly complete an investigatory stop report for [REDACTED] in violation of rule 6; NOT SUSTAINED
9. Officer [REDACTED] failed to properly complete an investigatory stop report for [REDACTED] in violation of rule 6; NOT SUSTAINED

10. Officer [REDACTED] failed to properly complete an investigatory stop report for [REDACTED] in violation of rule 6.

NOT SUSTAINED

#### IV. APPLICABLE RULES AND LAWS

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##### Rules

1. Rule 1: Prohibits an officer from violating any law or ordinance.
2. Rule 2: Prohibits an officer from engaging in any action of conduct which impedes the Department's policy and goals or brings discredit upon the department.
3. Rule 6: Prohibits the disobedience of an order or directive, whether written or oral.

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##### Special Orders

Special Order S04-13-09, Investigatory Stop System

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##### Federal Laws

U.S. Constitution Amendment IV

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##### State Laws

725 ILCS 5/107-14

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#### V. INVESTIGATION<sup>1</sup>

##### a. Interviews

[REDACTED], gave a digitally recorded interview at the Civilian Office of Police Accountability at 1615 W. Chicago. In her recounting, [REDACTED] stated that she was pulled over for running a red light. [REDACTED] drives her personal vehicle for Sure-Way, a ride sharing service. There were three passengers in the vehicle, including a personal friend in the front seat, [REDACTED]. She did not know the rear-seat passengers, [REDACTED]<sup>2</sup> and [REDACTED] prior to the rideshare. She picked the passengers up from [REDACTED] Motel on [REDACTED]

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<sup>1</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>2</sup> Attachment 27

<sup>3</sup> Attachment 38

<sup>4</sup> Attachment 39

She was informed by the officer that she had failed to stop at a red light. She believed this was possible because she recalled being in the intersection while the light was yellow and turning red. The officer asked for her license, then immediately asked her to step out of the vehicle. She thought this was unusual based on her previous stops and demanded to know the reason for asking her out of the vehicle. The officer told her that there was a Supreme Court case that allowed him to ask her and all of the passengers to get out of the vehicle.

The officer and his partner had a brief discussion on the side, then he continued questioning her. He asked if there were weapons or drugs in the car. She said no. The officer asked her relationship to the people in the car. She answered that they were passengers and she was a cab driver. The officer then demanded identification from all of the passengers. He threatened that he would ticket the driver unless the passengers cooperated and provided their IDs. [REDACTED] objected to getting out of the vehicle, stating that they were just the passenger in a traffic violation and that the officer didn't have any right to pull them out. The officer told her that the Supreme Court recently gave them the authority to pull all of the passengers out. He then instructed them to get out of the car, then patted them all down. [REDACTED] also recalled hearing the female passenger complain that she was being searched without a female officer present. The officer did not pat down the driver.

While the initial officer was running [REDACTED] ID, two other squad cars pulled up. [REDACTED] learned that they were tactical officers. According to the police officer, the rear male passenger was currently on parole. One of the tactical officers searched the car. That officer got into the car and started looking around with the flashlight. No one asked for consent, nor did anyone give a reason for the search. There were approximately six officers on scene at this time.

After the car was searched and nothing turned up, they were allowed to return to the vehicle and leave. No documentation or citations were issued.

[REDACTED]<sup>5</sup> gave a digitally recorded telephone statement to the Civilian Office of Police Accountability on June 4, 2018. [REDACTED] stated that he was riding with [REDACTED] in a rideshare on March 24, 2018, where he acted as her protection. They picked up two passengers from a hotel on [REDACTED]. [REDACTED] told investigators that he had never seen the passengers before. [REDACTED] described the male passenger as light-skinned and had tattoos on his face. He described the female passenger as brown-skinned, with reddish hair, and possibly with a tattoo on her face as well. He described both passengers as being approximately twenty-three to twenty-four years of age.

According to [REDACTED] they were traveling northbound on [REDACTED] when he observed officers stopped on [REDACTED]. After traveling a little further on [REDACTED] the car was stopped by the officers. The officers told them that [REDACTED] ran the light at [REDACTED]. [REDACTED] had no knowledge of whether [REDACTED] ran the red light because he was looking at his phone during the drive. The officers asked [REDACTED] for her driver's license and proof of insurance and she complied. The officers then asked [REDACTED] to get out of the car and she complied. [REDACTED] spoke to the officers outside of the vehicle for several minutes.

The officers came back to the car and asked everyone inside for their identification. [REDACTED] argued with the officers, saying that he was just a passenger in the vehicle and did not have to give them

<sup>5</sup> Attachment 5

his identification. [REDACTED] complied after Officer [REDACTED] told him that if he did not give him his license, he would take [REDACTED] license and give her a ticket for running a stoplight. The officer took identification from the passengers as well. The officer took the licenses to his vehicle. When the officer returned, he told all of the passengers to exit the vehicle. [REDACTED] was taken to the back of the squad car, where the officer told him that the reason they were all asked to get out of the car was the two passengers had extensive drug backgrounds and the officers smelled weed when they came to the window. [REDACTED] told the officer that the passengers' backgrounds did not have anything to do with him.

The officer patted him down, thoroughly. They patted the outside of his pocket, then turned his pockets inside out. Several other units arrived. An officer from one of those vehicles searched inside of the car. The officer opened the glove compartment and searched in it. The officers primarily searched the passenger side of the vehicle. The officers did not search [REDACTED]. The officer also told [REDACTED] that it was odd that a Lyft driver would have a passenger in the front seat. [REDACTED] told the officers to look at her phone to see evidence of the fare. [REDACTED] stated that he heard the female passenger object to being searched and argued with the officers that they did not smell marijuana.

After the search did not produce any evidence, the officers got back in the car and left. [REDACTED] did not receive any documentation form the incident.

[REDACTED] gave a statement to the Civilian Office of Police Accountability on September 26, 2018. In her statement, [REDACTED] said that they were picked up at the [REDACTED] motel by a Sure-Way driver, [REDACTED] said that [REDACTED] ran a red light. Shortly after, the car was pulled over by an unmarked police SUV. [REDACTED] said that [REDACTED] was asked to get out of the car by one of the officers. [REDACTED] initially refused, and the officer threatened her with arrest, while the front seat passenger encouraged [REDACTED] to stay in the vehicle and ask for a sergeant. [REDACTED] decided to get out of the vehicle and cooperate. Several other squad cars pulled up and started pulling passengers out of the vehicle. The front seat passenger continued to refuse to get out of the vehicle, which prompted the officer to threaten to seize the car. The officer then claimed that the car smelled like marijuana, which [REDACTED] denied. [REDACTED] denied telling the officer that she had been smoking weed.

The vehicle was thoroughly searched. [REDACTED] described the officer who searched the vehicle as large, muscular, and having a long brown beard. [REDACTED] said that she was frisked, not searched, in that they only patted her pockets. [REDACTED] intimated that she may have consented, but under threat of arrest, saying that the officer told her if she did not consent, she would be searched at the station instead. [REDACTED] also said she complied because she was already on parole and did not want additional trouble. [REDACTED] could not recall any of the names. [REDACTED] maintained that the conversation about weed was with subsequent officers, not the officers who first pulled them over. [REDACTED] believed she heard [REDACTED] give consent, but under the threat of arrest if they did not give consent voluntarily. [REDACTED] recalled the officers threatening [REDACTED] and [REDACTED] with tickets and arrest.

[REDACTED]<sup>7</sup> gave a statement to the Civilian Office of Police Accountability on September 26, 2018. [REDACTED] stated that [REDACTED] "was not driving goo", and he understood why the police

<sup>6</sup> Attachment 47

<sup>7</sup> Attachment 46

would have pulled her over. After they were stopped, [REDACTED] felt the police were overly aggressive and searched the car as if they were searching for drugs. [REDACTED] was handcuffed immediately upon exiting the vehicle. He was then searched, in that the officers went into his pockets, though the officers stopped short of going inside of his underwear. He did not object to the search because he knew that he had not done anything wrong. [REDACTED] felt that the police were more focused on the passengers than the driver. [REDACTED] mentioned that [REDACTED] and the officers argued over [REDACTED] getting out of the vehicle and the officers threatened to arrest [REDACTED] for "resisting arrest." [REDACTED] could not recall the officers specifically threatening [REDACTED] with tickets but did intimate that the officers' general tone was "shut up and do what we say, so it can go smoothly, but if we do find something there will be consequences."

Officer [REDACTED]<sup>8</sup> gave a statement to the Civilian Office of Police Accountability on June 20, 2018. In his statement, Officer [REDACTED] told investigators that he observed [REDACTED] drive through a red light. Officer [REDACTED] curbed the vehicle at [REDACTED]. Officer [REDACTED] approached the passenger side of the vehicle, while Officer [REDACTED] approached the driver's side. Officer [REDACTED] stated that upon approaching the vehicle, he smelled a strong odor of cannabis coming from the vehicle. Officer [REDACTED] recalled Officer [REDACTED] having some discussion with [REDACTED] about his license but could not remember the substance of their conversation.

According to Officer [REDACTED], Officer [REDACTED] called for backup for officer safety. When backup arrived, the police ordered all of the vehicle's occupants to exit the vehicle. Officer [REDACTED] searched [REDACTED]. Officer [REDACTED] searched [REDACTED]. According to Officer [REDACTED], his search of [REDACTED] was consensual. Officer [REDACTED] told investigators that he asked [REDACTED] if he had any drugs or contraband on him and [REDACTED] replied, "no, you can check me." Officer [REDACTED] could not recall who searched the passengers' names in the PDT, but stated that the names were searched in LEADS because the smell of cannabis in the car turned it from a traffic stop to an investigatory stop. None of the passengers had any active warrants.

Officer [REDACTED] stated that the smell of cannabis was the reason they searched the passengers' persons and the vehicle. Officer [REDACTED] stated that no one searched the female passengers because there were no female officers present. Officer [REDACTED] stated that neither he nor Officer [REDACTED] searched the vehicle. An assisting unit performed the search. Officer [REDACTED] said that [REDACTED] gave consent for the search of the vehicle. According to Officer [REDACTED], [REDACTED] told the officers that they could search the vehicle because there was no reason why the car would smell like cannabis. Officer [REDACTED] produced a separate stop report for each passenger. Officer [REDACTED] recalled giving each passenger a stop receipt when he returned their identification at the end of the stop.

Officer [REDACTED]<sup>9</sup> gave a statement to the Civilian Office of Police Accountability on June 21, 2018. Officer [REDACTED] told investigators that he was driving eastbound on [REDACTED] when he observed a vehicle travelling northbound on [REDACTED] drive through a red light. Officer [REDACTED] made the decision to stop the vehicle. Officer [REDACTED] informed [REDACTED] that she had run a red light and [REDACTED] disagreed. Officer [REDACTED] told investigators that during his exchange with [REDACTED] he noticed the smell of burnt cannabis emanating from the vehicle.

<sup>8</sup> Attachment 18

<sup>9</sup> Attachment 32

At that time, Officer [REDACTED] sought to identify all of the passengers in the vehicle and requested everyone's identification. [REDACTED] argued that he did not need to provide his identification but did eventually give it to Officer [REDACTED]. Officer [REDACTED] did not recall telling [REDACTED] that he would cite [REDACTED] if [REDACTED] did not comply. Officer [REDACTED] ran the passengers' names through LEADS and requested backup due to being outnumbered by the vehicle occupants. All of passengers' names were clear of warrants. It was then requested that everyone exit the vehicle. In Officer [REDACTED] opinion, the traffic stop became a "narcotics investigation" when he smelled the burnt cannabis, which is why he wanted all of the passengers out of the vehicle.

While they were outside of the vehicle, Officer [REDACTED] warned [REDACTED] that as a rideshare driver she may not be aware of everything her passengers are carrying when she picks them up. [REDACTED] told Officer [REDACTED] that [REDACTED] was her boyfriend, which raised suspicion in his mind. Officer [REDACTED] then searched [REDACTED]. According to Officer [REDACTED] consented to the search. Officer [REDACTED] asked [REDACTED] if he was in possession of any contraband and whether he objected to being searched. According to Officer [REDACTED] said that he did not mind.

Officer [REDACTED] stated that the female passengers were not searched because there were no female officers present. According to Officer [REDACTED] told the Officers that she had smoked weed earlier before she got into the car. Officer [REDACTED] felt satisfied by [REDACTED] admission that she had smoked cannabis earlier and did not feel the need to investigate further. Officer [REDACTED] did not personally search the vehicle. Officer [REDACTED] did not recall who searched the vehicle but was aware that no contraband was recovered. At the end of the stop, Officer [REDACTED] observed Officer [REDACTED] filling out the stop reports and receipts, but he could not recall to whom the receipts were issued.

#### b. Documentary Evidence

**Event Number** [REDACTED]<sup>10</sup> describes the traffic stop of a vehicle with the license plate number [REDACTED] by unit [REDACTED] at [REDACTED] on March 24, 2018, at 1052 hours.

**PCAD**<sup>11</sup> search results for workstation [REDACTED] belonging to Officer [REDACTED] show that on March 24, 2018 at 10:39:14 AM, the name "[REDACTED]" was run through LEADS for identification.

**PCAD**<sup>12</sup> search results for workstation [REDACTED] belonging to Officer [REDACTED] show that on March 24, 2018 at 10:39:52 AM, [REDACTED] name was run through LEADS for identification.

**PCAD**<sup>13</sup> search results for workstation [REDACTED] belonging to Officer [REDACTED] show that on March 24, 2018 at 10:40:19 AM, the name "[REDACTED]" was run through LEADS for identification.

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<sup>10</sup> Attachment 11

<sup>11</sup> Attachment 17

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

**PCAD**<sup>14</sup> search results for workstation [REDACTED] belonging to Officer [REDACTED] show that on March 24, 2018 at 10:41:10 AM, [REDACTED] name was run through LEADS for identification.

**Investigatory Stop Report No.** [REDACTED]<sup>15</sup> shows that contact was made with [REDACTED] at 10:39 AM on March 24, 2018. In his narrative of the event, the officer wrote that he observed the vehicle driving northbound on [REDACTED] when he observed the vehicle commit a traffic violation by failing to stop at a red light. The officer pulled the vehicle over outside of [REDACTED]. The officer stated that he smelled a strong odor of burnt cannabis coming from the vehicle. The officer instructed the subject to exit the vehicle. The subject's name check cleared. There was no contraband found inside of the vehicle. The Stop report indicates that the subject was not searched. The report indicates that a stop receipt was given.

**Investigatory Stop Report No.** [REDACTED]<sup>16</sup> shows that contact was made with [REDACTED] on March 24, 2018 at 10:39 AM. The report indicates that [REDACTED] was not searched. In the narrative, Officer [REDACTED] wrote that [REDACTED] was the rear seat passenger in a vehicle stopped for a traffic violation. Officer [REDACTED] wrote that a strong odor of burnt cannabis was coming from the vehicle. The passenger was asked to exit the vehicle. The name check cleared.

**Investigatory Stop Report No.** [REDACTED]<sup>17</sup> indicates that contact was made with [REDACTED] on March 24, 2018 at 10:39 AM. The report indicates that [REDACTED] was searched beyond a protective pat down pursuant to consent. The narrative states that [REDACTED] was the rear seat passenger on the passenger side of the vehicle. The narrative states that the strong odor of burnt cannabis emanated from the car. [REDACTED] was asked to exit the vehicle and consented to the search of his person. No contraband was found and his name check was clear.

**Investigatory Stop Report No.** [REDACTED]<sup>18</sup> indicates that contact was made with [REDACTED] on March 24, 2018 at 10:39 AM. The report indicates that [REDACTED] was searched beyond a protective pat down pursuant to consent. The narrative indicates that [REDACTED] was the front seat passenger of the vehicle. The narrative indicates that a strong odor of burnt cannabis was emanating from the vehicle. [REDACTED] was asked to exit the vehicle and consented to the search of his person. No contraband was found and his name check cleared.

**Attendance & Assignment Report**<sup>19</sup> shows that on March 24, 2018, Officer [REDACTED] and Officer [REDACTED] were assigned to beat [REDACTED]

**GPS snapshot for Beat** [REDACTED]<sup>20</sup> shows the vehicle being driven by Officers [REDACTED] and [REDACTED] stopping in the vicinity of [REDACTED] [REDACTED] Avenue at 10:38 AM and remaining there for approximately 15 minutes.

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<sup>14</sup> *Id.*

<sup>15</sup> Attachment 36

<sup>16</sup> Attachment 35

<sup>17</sup> Attachment 34

<sup>18</sup> Attachment 37

<sup>19</sup> Attachment 54

<sup>20</sup> Attachment 52

**GPS snapshot for Beat [REDACTED]**<sup>21</sup> shows Sergeant [REDACTED] vehicle driving past the location of the traffic stop between 10:39 AM and 10:52 AM when the traffic stop was occurring. There is no indication that Sergeant [REDACTED] vehicle stopped at any point during that time.

**GPS snapshot for Beat [REDACTED]**<sup>22</sup> shows Officer [REDACTED] and Officer [REDACTED] vehicle driving past the location of the traffic stop between 10:39 AM and 10:52 AM when the traffic stop was occurring. There are approximately ten minutes where Officers [REDACTED] and [REDACTED] remained in the general area of the stop; however, only three minutes overlap the traffic stop.

### c. Additional Evidence

On June 4, 2018, Investigator [REDACTED] spoke with [REDACTED] over the telephone prior to the recorded interview. Investigator [REDACTED] recorded a **written memorandum**<sup>23</sup> immediately after to memorialize the discussion in the phone call. The substance of the phone call was substantially the same as the interview, except in the phone call, [REDACTED] indicated that no stop receipt was issued.

"[REDACTED] a witness to the incident who would not identify herself further, residing at [REDACTED] recalled witnessing the event from the second floor of her home. She recalled a red car being stopped outside of her home. She was struck by the number of cars present for the stop. She recalled seeing approximately five units – four “blue and whites” and one “black SUV.” She recalled seeing all of the passengers get searched by officers. She could not see whether the officer searched the pockets of the individuals. She did not recall specific details about the individuals being searched, except they were two women and two men.

Sergeant [REDACTED]<sup>24</sup> gave a statement to the Civilian Office of Police Accountability on November 8, 2018. In his interview, Sergeant [REDACTED] was shown the event query for the stop, an investigatory stop report, and the photo identification of [REDACTED]. He did not recall any thing about the stop. Sergeant [REDACTED] was shown his vehicle’s GPS tracking and indicated that he may have driven by the traffic stop in progress but likely did not intervene, given his vehicle’s continued trajectory.

Officer [REDACTED]<sup>25</sup> gave a statement to the Civilian Office of Police Accountability on November 28, 2018. In his interview, Officer [REDACTED] was shown the event query for the stop, contact card search results for said stop, and his GPS for beat [REDACTED] on March 24<sup>th</sup>, 2018, showing he was at or near the traffic stop while it was happening. Despite this, Officer [REDACTED] could not recall any details about the traffic stop, including whether he participated.

Officer [REDACTED]<sup>26</sup> gave a statement to the Civilian Office of Police Accountability on November 28, 2018. In his interview, Officer [REDACTED] was shown the event query for the stop, contact card search results for said stop, a photograph of [REDACTED] and his GPS for beat

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<sup>21</sup> Attachment 51

<sup>22</sup> Attachment 53

<sup>23</sup> Attachment 4

<sup>24</sup> Attachment 48

<sup>25</sup> Attachment 49

<sup>26</sup> Attachment 50

[REDACTED] on March 24<sup>th</sup>, 2018, showing he was at or near the traffic stop while it was happening. Despite this, Officer [REDACTED] could not recall any details about the traffic stop, including whether he participated.

## VI. LEGAL STANDARD

### a. Possible findings and burdens of proof

For each allegation COPA must make one of the following findings:

Sustained - where it is determined the allegation is supported by a preponderance of the evidence;

Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;

Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or

Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct violated Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

### b. Law and CPD directives applicable to searches and seizures

The Fourth Amendment of the U.S. Constitution gives people the right to be free of unreasonable searches and seizures. The Fourth Amendment generally prohibits warrantless searches and seizures without probable cause.<sup>27</sup> The relevant case law, state statutes, and CPD directives set different rules for stops, pat downs, and vehicle searches. However, when evaluating any searches or seizures "an objective standard applies, so the police officer seeking to justify the intrusion 'must be able to point to specific and articulable facts which, taken together with rational

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<sup>27</sup> *Terry v. Ohio*, 392 U.S. 1, 17 n.15 (1968)(“the Fourth Amendment governs all intrusions by agents of the public upon personal security, and to make the scope of the particular intrusion, in light of all the exigencies of the case, a central element in the analysis of reasonableness.”)

inferences from those facts, reasonably warrant that intrusion.”<sup>28</sup> “Courts do not evaluate probable cause in hindsight, based on what a search does or does not turn up.”<sup>29</sup> “The facts . . . instead should be considered from the perspective of a reasonable officer at the time that the situation confronted him or her.”<sup>30</sup>

### 1. Terry – or Investigatory – Stops

An officer may perform an investigatory stop “when the officer reasonably infers from the circumstances that the person is committing, is about to commit or has committed” a crime.<sup>31</sup> The Fourth Amendment permits an officer to conduct a warrantless search – often referred to as a pat down or frisk - of a person’s outer clothing during an investigatory stop when the officer reasonably believe the person may be armed. Additionally, an officer may handcuff a person during an investigatory stop when the officer reasonably believes the suspect is armed or poses a danger to the officer or others.<sup>32</sup> To justify a *Terry* stop, “the situation confronting the police officer must be so far from the ordinary that any competent officer would be expected to act quickly.”<sup>33</sup> A “reasonable suspicion” need not be enough to constitute probable cause, but must be more than a “mere hunch.”<sup>34</sup> In evaluating the propriety of a *Terry* stop, the facts are to be viewed from the perspective of a reasonable police officer under the same circumstances, and not “with analytical hindsight.”<sup>35</sup>

“A seizure for a traffic violation justifies a police investigation of that violation. A relatively brief encounter, a routine traffic stop is more analogous to a so-called *Terry* stop than to a formal arrest.”<sup>36</sup> During a traffic stop “a police officer effectively seizes everyone in the vehicle the driver and all passengers.”<sup>37</sup> An officer may lawfully order the driver<sup>38</sup> and passengers to exit a vehicle during a traffic stop.<sup>39</sup> Additionally, “officers who conduct routine traffic stops may perform a pat down of a driver and any passengers upon reasonable suspicion that they may be armed and dangerous.”<sup>40</sup>

The CPD has special directives its members must follow in addition to state and federal law when conducting investigatory stops and protective pat downs. CPD Special Order S04-13-09, “Investigatory Stop System” states that an officer has probable cause to make an investigatory stop

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<sup>28</sup> *People v. Long*, 99 Ill. 2d 219, 227-28 (1983)(quoting *Terry v. Ohio*, 392 U.S. 1, 21 (1968)).

<sup>29</sup> *Florida v. Harris*, 568 U.S. 237, 249 (2013) (citing *United States v. Di Re*, 332 U.S. 581, 595 (1948)).

<sup>30</sup> *People v. Thomas*, 198 Ill. 2d 103, 110 (2001)

<sup>31</sup> 725 ILCS 5/107-14(a); see also *Arizona v. Johnson*, 555 U.S. 323, 326-27 (2009)(citing *Terry*, 392 U.S. at 88).

<sup>32</sup> *United States v. Wilson*, 2 F.3d 226, 231 (7th Cir. 1993) (upholding use of handcuffs in investigatory stop); *Tom v. Voda*, 963 F.2d 952, 957-958 (7th Cir. 1992) (upholding use of handcuffs in investigatory stop); *United States v. Glenna*, 878 F.2d 967, 972 (7th Cir. 1989) (handcuffing was permissible as part of a *Terry* stop where police dispatch indicated defendants were in possession of several small weapons and an explosive device, and a loaded clip was found on the defendant).

<sup>33</sup> *People v. Thomas*, 198 Ill. 2d 103, 110 (2001)(citing *People v. Long*, 99 Ill. 2d at 228-29).

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Rodriguez v. United States*, \_\_\_ U.S. \_\_\_, \_\_\_, 135 S. Ct. 1609, 1614 (2015)(internal citations omitted)(U.S. reporter citation is currently unavailable.) (See also, Special Order S04-13-09. )

<sup>37</sup> *Johnson*, 555 U.S. at 327 (internal citation omitted).

<sup>38</sup> *Id.*, 555 U.S. at 331 (citing *Pennsylvania v. Mimms*, 434 U.S. 106, 111, n. 6 (1977)).

<sup>39</sup> *Id.* (citing *Maryland v. Wilson*, 519 U.S. 408, 415 (1997)).

<sup>40</sup> *Id.*, 555 U.S. at 332 (citing *Knowles v. Iowa*, 525 U.S. 113, 117-18 (1998))(internal quotations omitted).

“where the police have knowledge of facts that would lead a reasonable person to believe that a crime has occurred and that the subject has committed it.”<sup>41</sup> Additionally “[d]uring an Investigatory Stop, subjects may be asked to identify themselves . . . ; however, a failure to do so is not, in and of itself, an arrestable offense or grounds for further detention, and a subject may choose not to answer any of the officer’s questions.”<sup>42</sup> The directive specifically states that “[f]ailure to provide identification during an Investigatory Stop, in and of itself, is not grounds for arrest or further detention.”<sup>43</sup><sup>44</sup>

CPD officers are required to complete an Investigatory Stop Report whenever a person or their personal effects are searched.<sup>45</sup> The directive also requires that officers provide the subject of an investigatory stop with a Stop Receipt, which includes the reason for the stop, the member’s name, and star number.<sup>46</sup> Finally, protective pat downs must be conducted by an officer who is the same gender as the person that is the subject of the Investigatory Stop, unless such a member is unavailable and officer or public safety require an immediate search be conducted.<sup>47</sup>

## 2. Warrantless searches beyond protective pat downs

The Fourth Amendment generally prohibits an officer from performing a warrantless search beyond a protective pat down without probable cause or consent.<sup>48</sup> If a search during an investigative stop “goes beyond what is necessary to determine if the suspect is armed, it is no longer valid under *Terry*. ”<sup>49</sup> Supreme Court case law<sup>50</sup> and the applicable CPD directive both limit a protective pat down to the “outer clothing” and note it is “not a general exploratory search for evidence of criminal activity.”<sup>51</sup> If an officer has probable cause to arrest an individual, then an officer may conduct an extensive warrantless search of the individual’s person to preserve evidence and to disarm the subject prior to “the extended exposure which follows the taking of a suspect into custody and transporting him to the police station.”<sup>52</sup> Finally, if an individual “freely and voluntarily” consents to a search then it is constitutionally valid.<sup>53</sup>

### A. *The smell of burnt cannabis gives an officer sufficient probable cause to search a vehicle.*

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<sup>41</sup> S04-13-09, Glossary, 4.

<sup>42</sup> Special Order S04-13-09, § V.B.

<sup>43</sup> *Id.* §VIII.A.7. (emphasis original).

<sup>44</sup> Illinois law provides that during an investigatory stop, an officer may ask someone to identify themselves by providing their name and address, but the law does not require someone to provide police with identification. 725 ILCS 5/107-1.4.

<sup>45</sup> *Id.*, §§ III.A.-D.

<sup>46</sup> *Id.*, § VIII.A.3.

<sup>47</sup> *Id.* § VI.A.2.

<sup>48</sup> *Minnesota v. Dickerson*, 508 U.S. 366, 373 (1993)

<sup>49</sup> *Id.* (citing *Sibron v. New York*, 392 U.S. 40, 65-66 (1968)).

<sup>50</sup> *Adams v. Williams*, 407 U.S. 143, 146 (1972)( “The purpose of this limited search is not to discover evidence of crime, but to allow the officer to pursue his investigation without fear of violence . . . .”)

<sup>51</sup> CPD Special Order 04-13-09 § II.B.

<sup>52</sup> *U.S. v. Robinson*, 414 U.S. 218, 234-35 (1973).

<sup>53</sup> *Schneckloth v. Bustamonte*, 412 U.S. 218, 222 (1973) (citing *Vale v. Louisiana*, 399 U.S. 30, 35 (1970), and *Bumper v. North Carolina*, 391 U.S. 543, 548 (1968)).

The Fourth Amendment permits an officer to search a vehicle when the officer has probable cause to believe the vehicle contains contraband or evidence of a crime.<sup>54</sup> Vehicles' "ready mobility" and "the pervasive regulation of vehicles capable of traveling on the public highways" are the primary justifications for the automobile exception to the warrant requirement.<sup>55</sup> "A police officer has probable cause to conduct a search when the facts available to him would warrant a person of reasonable caution in the belief that contraband or evidence of a crime is present."<sup>56</sup>

Courts have held that the smell of burnt cannabis emanating from a vehicle gives police probable cause to search a vehicle and its occupants. In *People v. Stout*, the Supreme Court held that the odor of burning cannabis emanating from a lawfully stopped automobile supplied probable cause to conduct a warrantless search of the driver's person.<sup>57</sup> The Fourth District extended *Stout* to passengers in *People v. Boyd*.<sup>58</sup> The *Boyd* court concluded that there was no logical basis for treating the passengers differently from the driver in such circumstances.<sup>59</sup>

- B. *If an officer does not have a search warrant or probable cause, then the officer must receive consent in order to conduct a search beyond a protective pat down.*

Officers lacking both probable cause and a warrant may not search a person beyond a protective pat down without that person's consent.<sup>60</sup> Such a search is permissible so long as the consent is voluntary.<sup>61</sup> "The consentor must have been under no duress or coercion, actual or implied, and the consent must have been unequivocal, specific, and freely and intelligently given."<sup>62</sup> "The voluntariness of a consent to a police search depends upon the totality of the circumstances . . ."<sup>63</sup> In *People v. Manke*, the court found that the defendant's consent to search his trunk was a product of duress or coercion and thus invalid where, after defendant initially refused to consent, the officer threatened to have the car impounded and to obtain a search warrant.<sup>64</sup> The threat of punishment for exerting a right rendered the defendant's consent invalid because it was not given freely, but under the coercive pressure of the officer's purported authority to search the vehicle anyway.<sup>65</sup>

## VII. ANALYSIS

### Allegations against Officer [REDACTED]

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<sup>54</sup> *Collins v. Virginia*, \_\_\_ U.S. \_\_\_, \_\_\_, 138 S. Ct. 1663, 1669 (2018)(citing *Carroll v. United States*, 267 U.S. 132 (1925))(U.S. reporter cite unavailable.)

<sup>55</sup> *Collins*, 138 S. Ct. at 1669-70 (quoting *California v. Carney*, 471 U.S. 386, 390, 932 (1985)).

<sup>56</sup> *Florida v. Harris*, 568 U.S. 237, 243 (2013)(internal citations omitted).

<sup>57</sup> 106 Ill. 2d 77 (1985)

<sup>58</sup> 298 Ill. App. 3d 1118, 1127 (4th Dist. 1998)

<sup>59</sup> *Id.*

<sup>60</sup> *Schneckloth v. Bustamonte*, 412 U.S. 218, 219 (1973).

<sup>61</sup> *People v. Powell*, 224 Ill. App. 3d 127, 135 (1st Dist. 1991).

<sup>62</sup> *People v. Purchase*, 214 Ill. App. 3d 152, 155 (3d Dist. 1991).

<sup>63</sup> *People v. Casazza*, 144 Ill. 2d 414, 417 (1991).

<sup>64</sup> 181 Ill. App. 3d 374, 377 (3d Dist. 1989).

<sup>65</sup> *Id.*

**1. The allegation that Officer [REDACTED] stopped the car being driven by [REDACTED] without cause in violation of rules 1 and 6 is EXONERATED.<sup>66</sup>**

The traffic stop of [REDACTED] vehicle was within Department policy. [REDACTED] was stopped for running a red light. The evidence suggests that the officers observed [REDACTED] drive through a red light, which is unlawful. Witnessing [REDACTED] drive through a red light would give a reasonable officer probable cause to make a traffic stop in accordance with Departmental rules. The officers were travelling eastbound on [REDACTED] when [REDACTED] was travelling north on [REDACTED]. In their interviews, Officer [REDACTED] and Officer [REDACTED] were both unequivocal about the fact that [REDACTED] ran the red light. [REDACTED] denial that she ran the red light, on the other hand, was less credible. Specifically, [REDACTED] told investigators that she may have run the red light and remembered being in the intersection while the light turned red. She also told investigators that as a cab driver/rideshare driver, she frequently ran red lights to hurry up to get to the next fare. Both [REDACTED] and [REDACTED] were certain that [REDACTED] ran the red light and generally described [REDACTED] driving that day as driving fast and entering the intersection as the light turned from yellow to red. [REDACTED] the front seat passenger, told investigators that he did not see whether [REDACTED] ran the light or not because he was distracted. For these reasons, COPA finds by clear and convincing evidence that [REDACTED] ran the red light. Therefore, Officer [REDACTED] is EXONERATED of the allegation that he stopped [REDACTED] vehicle without cause.

**2. The allegation that Officer [REDACTED] searched [REDACTED] person without justification in violation of rules 1 and 6 is NOT SUSTAINED.**

Officers [REDACTED] and [REDACTED] are both male and [REDACTED] is female. CPD policy requires pat downs to be conducted by officers who are the same sex as the subject, unless such a member is unavailable and the search cannot be delayed for safety reasons. [REDACTED] told investigators that she was patted down by the officers, but did not consider it particularly invasive, and less than a full search. She also said that she consented to the pat down, under duress. [REDACTED] believed that the officer who patted her down was not one the officer who stopped them.

[REDACTED] and [REDACTED] both told investigators that they heard [REDACTED] objecting to being searched, however, neither actually witnessed the search. [REDACTED] also told investigators that she frequently objects to male officers searching her to thwart their attempts to search her person, so she could not be sure if it happened that time. Officer [REDACTED] and Officer [REDACTED] denied patting down or searching [REDACTED] in their interviews and in the written reports of the stop. Officer [REDACTED] told investigators that [REDACTED] confessed that she smoked marijuana earlier that day. If true, that would seem like more of a reason to search [REDACTED] than not, though [REDACTED] denied ever making that statement. There is also no written record of [REDACTED] confession, which would add weight to the officers' belief that they smelled marijuana. There is no dispute that [REDACTED] who is also female, was not searched, which is

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<sup>66</sup> [REDACTED] also alleged that her vehicle was searched without her consent. While an allegation was not brought relative to this complaint, it is clear from the testimony of the witnesses that the allegation would have been Not Sustained, due to the conflict over whether there was the smell of burnt cannabis in the vehicle, which, if true, would give the officers probable cause to search the vehicle. Similarly, the officers may have had grounds for a protective pat down of the vehicle based on the contentious interactions with three out of four of the vehicle's occupants, rendering consent moot.

consistent with the officers' statements that none of the female passengers were searched precisely because it is against Department policy for a male officer to search a female subject.

There is insufficient credible evidence to say that it is more likely than not that [REDACTED] was patted down by a male officer. Therefore, this allegation against Officer [REDACTED] is NOT SUSTAINED.

**3. The allegation that Officer [REDACTED] searched [REDACTED] person without justification in violation of rules 1 and 6 is NOT SUSTAINED.**

Officer [REDACTED] told investigators that [REDACTED] consented to the search of his person. [REDACTED] told investigators that his pockets were searched by Officer [REDACTED]. Though not the same thing as consenting, [REDACTED] told investigators that he did not object to the search. [REDACTED] was a passenger in a vehicle that was lawfully stopped for running a red light. According to the officers, upon stopping the vehicle, they smelled burnt cannabis emanating from the vehicle, which changed the nature of the stop from a traffic stop<sup>67</sup> to an investigatory stop based on reasonable suspicion that a crime had been committed. There is no way to confirm whether the officers smelled burnt cannabis, given that none was recovered. However, if the officers legitimately believed that they smelled burnt cannabis, then the warrantless search of [REDACTED] was justified because the smell of burnt cannabis created probable cause for the search under Illinois law. While there is not enough evidence to find by the clear and convincing evidence standard that the officers had probable cause to search [REDACTED] there is also not enough evidence to show they lacked probable cause.

For these reasons, this allegation against Officer [REDACTED] is NOT SUSTAINED.

**4. The allegation that Officer [REDACTED] searched [REDACTED] person without justification in violation of rules 1 and 6 is UNFOUNDED.**

Here, while [REDACTED] was searched, the search was not conducted by Officer [REDACTED]. In his interview with COPA, Officer [REDACTED] told investigators that he searched the rear male passenger, who was later determined to be [REDACTED]. Officer [REDACTED] denied searching [REDACTED] person, though he observed the search. Further Officer [REDACTED] acknowledged searching [REDACTED] person in his interview with COPA. The officer who engaged in the search is responsible for articulating the reasons for the search, therefore it would be inappropriate to hold Officer [REDACTED] accountable for the search conducted by Officer [REDACTED].

COPA finds by clear and convincing evidence that Officer [REDACTED] did not search [REDACTED] and thus this allegation is UNFOUNDED.

**Allegations 5-8: The allegation that Officer [REDACTED] failed to properly complete an Investigative Stop Reports for his interactions with [REDACTED] and [REDACTED] in violation of rule 6 are NOT SUSTAINED.**

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<sup>67</sup> On a stop based on reasonable suspicion, an officer may require the driver to exit the vehicle without specifically showing that requiring such an action was necessary for the officer's protection. See *Mimms*, 434 U.S. 106.

There are conflicting accounts about whether stop receipts were issued. Ultimately, there is insufficient evidence to determine what occurred. During their interviews, Officers [REDACTED] and [REDACTED] both provided copies of the Investigatory Stop Reports completed for each passenger.

Officer [REDACTED] indicated on the Investigatory Stop Reports that he issued stop receipts to each passenger. Officer [REDACTED] told investigators that he issued stop receipts to each passenger when he gave back their identification. Officer [REDACTED] told investigators that he observed Officer [REDACTED] issue stop receipts, but he could not remember to whom. Additionally, Officer [REDACTED] taking the time to prepare four separate stop reports with some measure of detail was compelling evidence that he would have also issued stop receipts, though it is not dispositive.

Both [REDACTED] and [REDACTED] indicated that they never received stop receipts. Both [REDACTED] and [REDACTED] spoke at length about their interactions with Officer [REDACTED] and identified him by name. [REDACTED] told investigators that the only reason she knew Officer [REDACTED] name was because it was on his vest as opposed to being told it or given a stop receipt with his name on it. Similarly, [REDACTED] and [REDACTED] both also said that they did not receive stop receipts. However, [REDACTED] used the phrase "stop receipts" without being prompted when explaining the stop. For these reasons, there is insufficient evidence to prove that a receipt was not provided and therefore the allegation is **NOT SUSTAINED**.

#### Allegations against Officer [REDACTED]

1. **The allegation that Officer [REDACTED] stopped the car being driven by [REDACTED] without cause in violation of rules 1 and 6 is EXONERATED.**

The analysis for this allegation is the same as Allegation 1 against Officer [REDACTED] in the previous section.

2. **The allegation that Officer [REDACTED] threatened to ticket [REDACTED] if [REDACTED] did not provide his identification is SUSTAINED in violation of rules 2 and 6.**

The first question to consider is whether [REDACTED] was required to provide his physical identification to the officers during the stop. The Special Orders, state law, and case law all suggest that he was not.

If [REDACTED] was not obligated to give his license, then Officer [REDACTED] needed [REDACTED] to consent to giving his license. Here, it is alleged that [REDACTED] only gave his license to Officer [REDACTED] after being threatened because he did not want to jeopardize [REDACTED] job as a driver.

Based on the evidence, we find [REDACTED] account of this interaction to be more credible when viewed in contrast to the other accounts. It is uncontested that [REDACTED] initially refused to give Officer [REDACTED] his license, then after some discussion, reluctantly gave his license to Officer [REDACTED]. [REDACTED] told investigators that Officer [REDACTED] threatened all of the passengers that he would give [REDACTED] a ticket if they did not give him their licenses. [REDACTED] gave a similar account, adding that he only gave his license to Officer [REDACTED] because Officer [REDACTED] threatened to take [REDACTED] license and give her a traffic citation if [REDACTED] did not comply and [REDACTED] did not want to endanger [REDACTED] job as a

driver. Both rear-seat passengers also said that Officer [REDACTED] repeatedly threatened punishment for noncompliance.

In contrast, Officer [REDACTED] acknowledged that [REDACTED] did initially refuse to give his license, but later reluctantly gave his photo identification. Officer [REDACTED] could not recall the specifics of the conversation about [REDACTED] license, except that he remembered asking [REDACTED] to hand over his license, [REDACTED] refusing, Officer [REDACTED] telling [REDACTED] that he had to give it to him, and then [REDACTED] complying without further argument. Officer [REDACTED] also recalled Officer [REDACTED] and [REDACTED] discussing [REDACTED] license but could not recall the substance of the discussion.

COPA finds it more probably true than not that Officer [REDACTED] threatened to ticket [REDACTED] to gain [REDACTED] compliance, we find that [REDACTED] consent was coerced and thus involuntary. In the case law discussed above, the threat of punishment in retaliation for someone exerting their rights was enough to void the consent gained, especially where, like here, there were financial and other punitive measures at stake. Therefore, this allegation is **SUSTAINED**.

- 3. The allegation that Officer [REDACTED] threatened to take [REDACTED] license if [REDACTED] would not provide his identification in violation of rules 2 and 6 is SUSTAINED.**

The analysis for this allegation is the same as Allegation 2 against Officer [REDACTED]

- 4. The allegation that Officer [REDACTED] searched [REDACTED] person without justification in violation of rules 1 and 6 is NOT SUSTAINED.**

The analysis for this allegation is the same as Allegation 2 against Officer [REDACTED] in the previous section.

- 5. Officer [REDACTED] searched [REDACTED] person without justification in violation of rules 1 and 6 is UNFOUNDED.**

Officer [REDACTED] conducted the search of [REDACTED]. Therefore, this allegation against to Officer [REDACTED] is UNFOUNDED.

- 6. Officer [REDACTED] searched [REDACTED] person without justification in violation of rules 1 and 6 is NOT SUSTAINED.**

Officer [REDACTED] told investigators that [REDACTED] consented to the search of his person. [REDACTED] statements to investigators suggest otherwise. Here, [REDACTED] told investigators that he was not permitted to put his jacket on prior to exiting the vehicle, even though it was cold outside. [REDACTED] said that he was put on the hood of the car and patted down extensively before being taken to the back of the car to talk. While on the hood of the car, [REDACTED] indicated that he was afraid to make any sudden movements and was just going to let the officers do whatever they wanted to do. On the other hand, [REDACTED] also told investigators that he knew he did not have any contraband, so he was not worried about being searched, which is not to say that he gave consent so much as to say he acquiesced to the inevitability of the search. [REDACTED] ended his description of the search by saying,

“they abused their power.” Acquiescence to authority is not the same as consenting to it. Even if [REDACTED] gave consent as suggested by Officer [REDACTED] it is unlikely that the consent was freely given.

Consent was not necessarily required in this case. As noted above in allegation number 3 against Officer [REDACTED] and noted in the summary of applicable law, in Illinois, when an officer conducting a traffic stop smells the odor of cannabis emanating from a vehicle, the officer has probable cause to search the vehicle’s occupants beyond a protective pat down.<sup>68</sup>

Here, [REDACTED] was a passenger in a vehicle that was lawfully stopped for running a red light. According to the officers, upon stopping the vehicle, they smelled burnt cannabis emanating from the vehicle, which, if true, changed the nature of the stop from a traffic stop to an investigatory stop based on reasonable suspicions. There is no way to confirm by clear and convincing evidence that the officers smelled burnt cannabis, given the vehicle’s occupants denial and the fact that none was recovered. Similarly, there is insufficient evidence to conclude by a preponderance of the evidence that the officers did not smell cannabis. For these reasons, the allegation that Officer [REDACTED] searched [REDACTED] without justification is **NOT SUSTAINED**.

**Allegations 7-10: The allegations that Officer [REDACTED] failed to properly complete an Investigative Stop Reports for his interactions with [REDACTED] and [REDACTED] in violation of rule 6 are NOT SUSTAINED.**

The analysis for these allegations is the same as Allegations 5-8 against Officer [REDACTED] in the previous section.

## VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Officer [REDACTED]

Officer [REDACTED] complimentary, disciplinary and training histories were considered when recommending discipline in this matter. Officer [REDACTED] received a reprimand for court appearance violation on August 28, 2018.

Although Officer [REDACTED] actions were wrong, COPA found no evidence to suggest they were committed with any malintent. Based on the above, COPA recommends training and Violation-Noted for Officer [REDACTED] sustained allegations.

## IX. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Findings/ Recommendation
Officer [REDACTED]	On March 24, 2018, at approximately 1050 hours:	

<sup>68</sup> *People v. Boyd*, 298 Ill. App. 3d 1118, 1127 (4th Dist. 1998)

	<p>1. Officer [REDACTED] stopped the car being driven by [REDACTED] without cause in violation of rules 1 and 6;</p> <p>2. Officer [REDACTED] searched [REDACTED] person without justification in violation of rule 6;</p> <p>3. Officer [REDACTED] searched [REDACTED] person without justification in violation of rules 1 and 6;</p> <p>4. Officer [REDACTED] searched [REDACTED] person without justification in violation of rules 1 and 6;</p> <p>5. Officer [REDACTED] failed to properly complete an investigatory stop report for [REDACTED] in violation of rule 6;</p> <p>6. Officer [REDACTED] failed to properly complete an investigatory stop report for [REDACTED] in violation of rule 6;</p> <p>7. Officer [REDACTED] failed to properly complete an investigatory stop report for [REDACTED] in violation of rule 6;</p> <p>8. Officer [REDACTED] failed to properly complete an investigatory stop report for [REDACTED] in violation of rule 6.</p>	EXONERATED  NOT SUSTAINED  NOT SUSTAINED  UNFOUNDED  NOT SUSTAINED  NOT SUSTAINED  NOT SUSTAINED  NOT SUSTAINED
Officer [REDACTED]	<p>On March 24, 2018, at approximately 1050 hours:</p> <p>1. Officer [REDACTED] stopped the car being driven by [REDACTED] without cause in violation of rules 1 and 6;</p> <p>2. Officer [REDACTED] threatened to ticket [REDACTED] if [REDACTED] did not provide his identification in violation of rule 2;</p>	EXONERATED  SUSTAINED/Violation Noted

	3. Officer [REDACTED] threatened to take [REDACTED] license if [REDACTED] would not provide his identification in violation of rule 2;	SUSTAINED/Violation Noted
	4. Officer [REDACTED] searched [REDACTED] [REDACTED] person without justification in violation of rule 6;	NOT SUSTAINED
	5. Officer [REDACTED] searched [REDACTED] [REDACTED] person without justification in violation of rules 1 and 6;	UNFOUNDED
	6. Officer [REDACTED] searched [REDACTED] [REDACTED] person without justification in violation of rules 1 and 6;	NOT SUSTAINED
	7. Officer [REDACTED] failed to properly complete an investigatory stop report for [REDACTED] in violation of rule 6;	NOT SUSTAINED
	8. Officer [REDACTED] failed to properly complete an investigatory stop report for [REDACTED] in violation of rule 6;	NOT SUSTAINED
	9. Officer [REDACTED] failed to properly complete an investigatory stop report for [REDACTED] in violation of rule 6;	NOT SUSTAINED
	10. Officer [REDACTED] failed to properly complete an investigatory stop report for [REDACTED] in violation of rule 6.	NOT SUSTAINED

Approved:



*Deputy Chief Administrator – Chief Investigator*

\_\_\_\_\_

Date

**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	6
<b>Investigator:</b>	[REDACTED]
<b>Supervising Investigator:</b>	[REDACTED]
<b>Deputy Chief Administrator:</b>	[REDACTED]